

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH ALBERT FUCHS, III,

Defendant.

Case No. 3:21-cr-30054-SPM

FINDINGS OF FACT AND CONCLUSIONS OF LAW

In March 2022, the Court held a bench trial in the above-styled cause on three felony counts against Defendant Joseph Albert Fuchs, III: Coercion and Enticement of a Minor in violation of 18 U.S.C. 2422(b), Travel with Intent to Engage in Illicit Sexual Conduct in violation of 18 U.S.C. 2423(b), and Engaging in Illicit Sexual Conduct in a Foreign Place in violation of 18 U.S.C. 2423(c) and (e). After reviewing all the evidence, considering the testimony of the witnesses, and considering the arguments of counsel, the Court finds Fuchs guilty on all three counts.

As to Count 1, Coercion and Enticement of a Minor, the Government had to prove four elements:

1. Fuchs used a facility of means of interstate commerce to knowingly persuade, induce, entice, or coerce Minor Victim-1 (hereinafter “MV-1”) to engage in sexual activity;
2. MV-1 was less than eighteen years of age;
3. Fuchs believed MV-1 was less than eighteen years of age; and
4. If the sexual activity had occurred, Fuchs would have committed the offense of Engaging in Illicit Sexual Conduct in a Foreign Place.

As to Count 2, Travel with Intent to Engage in Illicit Sexual Conduct as charged in the Government had to prove two elements:

1. Fuchs traveled in foreign commerce; and
2. Fuchs's purpose in traveling in foreign commerce was to engage in a sexual act with a minor.

As to Count 3, Traveling in Foreign Commerce to Engage in Illicit Sexual Conduct with a Minor, the Government had to prove three elements:

1. Fuchs is a citizen of the United States;
2. Fuchs traveled in foreign commerce;
3. Fuchs engaged in illicit sexual conduct with a minor.

The Internet is a “facility of interstate commerce” and a defendant who communicates with another by text, email, or messaging application over the Internet thereby uses a “facility of interstate commerce.” *See* 7th Circuit Pattern Instruction for Definition of Interstate or Foreign Commerce. The term “foreign commerce” means the movement across territorial lines, including any movement before or after the crossing of territorial lines which constitutes a part of the foreign travel. *See* 7th Circuit Pattern Jury Instruction for 18 U.S.C. § 2315, Definition of Interstate or Foreign Commerce. Illicit sexual conduct means a sexual act with a person under eighteen years of age. *See* 7th Circuit Pattern Jury Instruction for 18 U.S.C. § 2423(f), Definition of “Illicit Sexual Conduct.” “Sexual act” means penetration, however slight, of the vulva by the penis, contact between the mouth and the penis or vulva *See* 7th Circuit Pattern Jury Instruction for 18 U.S.C. § 2246(2), Definition of “Sexual Act”. A “sexual act” also means any penetration, however slight, of the genital opening of

another by a hand or a finger with an intent to arouse or gratify the sexual desire of any person. (*Id.*) A “sexual act” also includes the intentional touching of the genitalia of another person who has not attained the age of sixteen years with an intent to arouse or gratify the sexual desire of any person. (*Id.*)

The Government has proven beyond a reasonable doubt, that MV-1 was born on March 3, 2003. The Government has proven beyond a reasonable doubt that Fuchs is a citizen of the United States. The Government has proven beyond a reasonable doubt that at all relevant times, Fuchs understood and believed MV-1 was of an age consistent with a date of birth of March 3, 2003.

Fuchs, by his own words that he electronically communicated to MV-1 and during a July 17, 2019 recorded interview that he gave at the airport to law enforcement agents, proves the Government’s case against him.

The Court found the following evidence from Fuchs’s July 17, 2019 interview given to law enforcement at the airport compelling:

- Fuchs said he agreed to pay tuition money for a “kid” he met once at a “pizza place” in the Philippines. (Pl’s Ex. 37, Fuchs Recorded Statement (USB).)
- Fuchs told agents that the minor was seventeen years old and would be eighteen the following March. (*Id.*)
- Fuchs told them the minor’s name, which is the name of MV-1 in this case. (*Id.*)
- During that interview, he said MV-1 expressed interest in him, but he told her she would have to wait until she was eighteen for “anything to happen between us.” (*Id.*) He reiterated that “next March she will turn eighteen.” (*Id.*)

- Fuchs initially told investigators that he was traveling to the Philippines to meet with his Philippino fiancé named Yoshi. (*Id.*) However, he stated that Yoshi did not know that he was traveling to the Philippines. (*Id.*)
- Fuchs described MV-1 as a “nice kid” who has a lot of growing up to do. (*Id.*)
- Fuchs identified MV-1 from a picture one of the agents showed him. (*Id.*)
- Fuchs claimed MV-1 did not know he was traveling to the Philippines. (*Id.*)
- During this interview the agents asked Fuchs point blank if “there has been a sexual relationship between the two of you,” (referring to Fuchs and MV-1) and Fuchs answered, “yes.” (*Id.*)
- Fuchs acknowledges that MV-1 was fifteen when they initially engaged in sexual activity. (*Id.*)
- Fuchs acknowledged MV-1 is young and asserted that girls over there start early. (*Id.*)
- Fuchs identified a picture of the hotel he stayed at with MV-1 in February 2018, when she was fifteen. (*Id.*)

Fuchs’s own messages to MV-1 in the Philippines also clearly establish his guilt.¹ Fuchs’s Facebook Account contains communiques between himself and MV-1 beginning November 2, 2017 when Fuchs responded to a message he received from MV-1. He asked, “Do I know you? Have we met?” (Pl’s Ex. 21, Joseph.Fuchs.3

¹ The following information was extracted from Defendant’s Facebook Account. Unless otherwise identified, the messages are exchanged between Fuchs and MV-1. While some of the messages include sexually graphic, lewd, and offensive language or descriptions, the Court elects not to sanitize the messages to fully demonstrate that Fuchs undoubtedly knew MV-1 was underage and that his chief aim was to exploit her sexually.

Facebook Demonstrative 1.) After MV-1 explained to him that she met him at a place called the “Twin Hut,” Fuchs stated that he remembered that her Aunt had told him her name. (*Id.*) After clearing up any initial confusion, it was clear that Fuchs believed he was communicating with a young girl he had recently met while in the Philippines. (*Id.*)

During that same introductory conversation, Fuchs told her, “Well, you’re very cute. Nice photos of yourself.” (*Id.* 2.) He even asked if she has “better ones [] from head to toe in normal clothes.” (*Id.* 3.) She then sent Fuchs a photo to which he responded, “Cute I like.” (*Id.* 4.) He asked, “How old are you then?” (*Id.*) There is not an immediate answer from MV-1 in the record.

On November 24, 2017, the conversation started up again. Fuchs commented on a photo MV-1 sent and asked, “So how old are you really.” (*Id.* 6.) After MV-1 sent an additional photo, he messaged her again, “I like your photos. I am going to guess you are 14. (*Id.*) Her response was immediate, “Ate erlinda told u right.” (*Id.*) He responded promptly, “Yes, she did.” (*Id.*) He then messaged her, “Well, you have 4 more years before we could date. you need to focus on school and family there.” (*Id.* 7.) She responded “Well ur wrong i will only 3years and 3 month.” (*Id.*) He messaged her back saying “So when you are 18 we can date and I can come and visit then.” (*Id.* 8.) She responded “Well i wish maybe u can find other girl.” (*Id.*)

This did not end the conversation. Fuchs continued to communicate with her. On December 1, 2017 he messaged her, “Hey Cutie.” (*Id.* 9.) The conversation continued with MV-1, in which she expressed frustration with her Aunt’s supervision. He responded, “Oka, but you are not an adult yet dear.” (*Id.*) He reiterated in same

conversation that they cannot date “until you are of age dear.” (*Id.*) After an exchange about meeting others to date, he asked her where her parents are. (*Id.* 11.) She responds, “My parents was far away from me..i don’t knew where they r honestly im belong to a broken family so.” (*Id.*)

On December 3, 2017 Fuchs messaged MV-1 for another photo. (*Id.* 13.) She promptly responded with another photo and said, “Just dont mind my___u know?” (*Id.*) After telling her the photo was very cute, he asked if she was referring to her breasts. (*Id.*) She confirmed. (*Id.*) He responded, “No worries I’m a grown man. I am not shy dear,” then stated “he he he 3 years, 3 months cannot come soon enough.” (*Id.* 14.) She responded with a winking smiley face emoji. (*Id.*)

On December 26, 2017 Fuchs messaged MV-1, “Well hopefully when you turn 18, I may be single. I’d be honored to see you,” followed by, “you’re cute, adorable.” (*Id.* 14.)

Conversations continued between the two through January 2018. The content of the messages evolved from flirtatious chatting to more specific discussion about a relationship between them. By early January, Fuchs made his intentions fully known. He stated, “Good.. Good. I’ll be the first man to ever give you your orgasm. Hopefully many times,” followed by, “make you see stars.” (*Id.* 20.) MV-1 asked him what an orgasm is, and he told her to Google it. (*Id.*) He then messaged her, “Well you’re young. Doesn’t surprise me that you would not know,” and followed up with a definition. (*Id.* 21.) He then explained that women can have multiple orgasms and he loved “to please a woman. I get my joy from giving a woman their orgasm.” (*Id.*) She responded, “I know whats the difference between sex and fuck.” (*Id.*)

Up to this point, the discussions seemed to focus on what they would do together when she turned eighteen. The conversations continued with Fuchs asking more intimate questions about MV-1's sex life. Fuchs inquired, "so have you had sex yet?" and followed up with "I am guessing no." (*Id.* 25.) She responded, "Of course not!" to which he said, "that's good." (*Id.*)

On January 16, 2016, Fuchs messaged MV-1 about having sex with her on her eighteenth birthday and how he would not disappoint her. (*Id.* 36.) During that conversation she messaged him, "I want to tell you something but im scared maybe u will tell to someone." (*Id.*) After assuring her she could trust him to keep secrets, he guessed, "you had sex with a boy." (*Id.* 37.) After some more coaxing, she told Fuchs she met a man in Tacloban, Philippines, he was from Germany, and she had sex with him. (*Id.* 38-39.) He then asked, "Did you cum? did you enjoy?" to which she confirmed that she did. (*Id.* 39.) Fuchs wrote, "So you went alone to Tacloban City to have sex with a man. wow." (*Id.*) She responded, "Well i knew him for almost a year then he decided to met me as i wanted too i go alone by my self I knew how to travel at all." (*Id.* 40.) Fuchs responded, "Okay, cool. So what was your favoriate sexual position with him?" (*Id.*) She asked why he wanted to know that. (*Id.*) Fuchs messaged seventeen seconds later, "its important. I want to know how to make you cum and please you." before adding, "All the Pinay who I have had sex with want to be on top. They cum much and enjoy." (*Id.*)

He continued to ask very explicit questions about her sexual encounter. When MV-1 informed him that she enjoyed her experience with oral sex, he responded, "outstanding. Great to hear." then "wow then you have good sexuality then." (*Id.* 42-

43.) Twenty-five seconds later he asked, “so no one questioned you going to his hotel tihen.” to which she replied, “No one.” (*Id.*) He wondered if they had any problems being seen together in public. (*Id.* 43.) He then asked when her birthday was and she responded “On march 8.” (*Id.* 44.) He said, “I see. So you’ll be 16 then.” (*Id.*) She affirmed that she would turn sixteen then. (*Id.*) He then asked twenty-three seconds later, “how long did you spend time with him then?” (*Id.*) She told him one week. (*Id.*) His immediate response was, “Nice.” then, “and you fucked well, cum many times?” (*Id.* 45.) When she responded “Yes,” he said “Good. Great.” (*Id.*) Fuchs then questioned her, “Well shoot, are you willing to give me this gift as well? If I come to Tacloban City and we spend a week together?” (*Id.*) After Fuchs asked a second time, she confirmed that if he traveled to Tacloban she would meet up with him for sex. (*Id.* 47.) Thereafter, Fuchs made arrangements to travel to the Philippines the following month, secure a hotel room for a week, and spend all his time there with MV-1.

Fuchs’ Facebook communications with MV-1 make it absolutely clear he believed her at all relevant times to be fifteen years old. He enticed her to have sex with him in the Philippines, he made arrangements to meet to have sex with her in the Philippines, and he traveled to the Philippines to have sex with her. He booked a room at a hotel she told him she had stayed at for a week with an adult male from Germany where the hotel staff did not question her age (Pl’s Ex. 21, 56.) Leading up to the first trip, Fuchs’ messages to her were very frank and sexually explicit. After returning from that trip, he frequently reminisced with MV-1 on how great the sex was, recounting on one occasion, “Well even after I broke your pussy, that days later you were still willing to let me stick it in.” and “Daddy loves to hear your sweet 16

pussy craves my big cock.” (*Id.* 530.) He also expressed his desire to meet up with her again for sex (*Id.* 538.)

At no time did Fuchs ever suggest he believed she may be eighteen years or older. On the contrary, he makes repeated references to the fact that she will not attain the age of eighteen for another several years. Fuchs was on his way to meet MV-1 again for sex in the Philippines when he was stopped by law enforcement at O’Hare Airport in Chicago. On that date, MV-1 was sixteen years old. There are many more communiques between Fuchs and MV-1, all reaffirming her young age, his regularly reminiscing about their sexual encounters, and fantasizing about future ones.

For the foregoing reasons, the Court finds Defendant Joseph Albert Fuchs, III, **GUILTY** of Coercion and Enticement of a Minor in violation of 18 U.S.C. 2422(b), Travel with Intent to Engage in Illicit Sexual Conduct in violation of 18 U.S.C. 2423(b), and Engaging in Illicit Sexual Conduct in a Foreign Place in violation of 18 U.S.C. 2423(c). Fuchs has ten (10) days from the date of this Order to surrender to the United States Marshal’s Service at the Federal Court House in East St. Louis, Illinois, or file a Motion to remain released on bond pending sentencing.

The Sentencing Hearing is set for the 24th day of August, 2022, at 10:30 AM in East St. Louis Courthouse before the undersigned.

IT IS SO ORDERED.

DATED: May 18, 2022

s/ Stephen P. McGlynn
STEPHEN P. McGLYNN
U.S. District Judge